

## **REMARKS**

Claims 1, 3, 4, and 6-27 are pending in the application. Claims 1 and 25 are amended. Claims 2 and 5 are cancelled. Reconsideration and allowance of the claims of the application is respectfully requested in view of the amendments to the claims and remarks below.

### **Objections to the Drawings**

The Office Action objects to the drawings and states that the controller and sensor must be shown in the drawings or cancelled.

Applicants present replacement sheets that show an exemplary controller and sensor. Applicants submit that the amendments to the drawings do not constitute new matter as the controller and sensor are recited in numerous paragraphs of the written description as well as the claims. Accordingly, Applicants respectfully request withdrawal of the objection against the drawings.

### **Rejections under 35 U.S.C. §112**

The Office Action rejects claims 1, 5, and 25 under 35 U.S.C. §112, second paragraph, as being indefinite.

Regarding claims 1 and 25, the Office Action asserts that claims 1 and 25 fail to recite the structural connection between the sensor, the controller, and the gas permeable membrane.

Regarding claim 5, the Office Action asserts that claim 5 fails to recite a structural connection between the valve and the controller.

Applicants present amendments to claim 1 and 25, which Applicants submit address the rejection. Applicants, therefore, respectfully request withdrawal of the rejections against claims 1 and 25.

Claim 5 is cancelled and, therefore, Applicants submit that the rejection is moot.

### **Rejections under 35 U.S.C. §103**

The Office Action rejects claims 1-27 as being unpatentable over DeMoor (U.S. 6,013,293) in view of DeTemple (U.S. 5,960,708).

**i) Independent Claim 1**

Independent claim 1, as amended, recites:

said second region defining a substantially closed gas buffer region with an opening there through that includes a valve configured to selectively allow a flow of gas out of the gas buffer region.

Applicants respectfully submit that none of the cited references teaches these limitations, alone and in combination.

DeMoor teaches a membrane 121 that defines a sealed container region 1 (Fig. 1) for storing a food item and an atmosphere control member 12 (Fig. 1). However, the atmosphere control member 12 defines an aperture 123 that allows gas to freely flow into and out of the atmosphere control member 12. DeMoor does not teach a valve for selectively allowing gas out of the atmosphere control member, as recited in claim 1.

DeTemple does not cure this defect. DeTemple teaches a container 10 with a membrane 24 (Fig. 8) that defines an inner portion for storing food items. However, DeTemple does not teach a second region also defined by the membrane that is substantially closed. The side of the membrane opposite to the inner portion of the container is exposed to the atmosphere. Nor does DeTemple disclose a valve for selectively controlling a flow of gas in any alleged buffer region.

Accordingly, Applicants submit that claim 1 is patentable over DeMoor and DeTemple, alone and in combination. Applicants, therefore, respectfully request withdrawal of the rejections under 35 U.S.C §103 against claim 1 and those claims that depend from claim 1.

**ii) Independent Claim 25**

Independent claim 25, as amended, recites that the second region defines a substantially closed gas buffer region with an opening that includes a valve for selectively allowing a flow of gas out of the gas buffer region.

For the reasons argued above, Applicants submit that claim 25 is patentable over DeMoor and DeTemple, alone and in combination. Applicants, therefore, respectfully request withdrawal of the rejections under 35 U.S.C §103 against claim 25 and those claims that depend from claim 25.

### **Conclusion**

Applicants believe that the amendments and arguments presented herein are sufficient to overcome the several rejections. Accordingly, allowance of all the claims is respectfully requested. Should the Examiner deem a telephone conference to be of assistance in advancing the application to allowance, the Examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,

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